

Remarks

Upon entry of the present amendment, claims 1-14, 16-185, 202-215, and 217 will be pending in the present application. Claims 186-201 and 216 were previously withdrawn from consideration. Claim 15 is canceled. Claims 1, 193, 202, 206, and 212 are currently amended. Claim 217 is new. Reconsideration is requested in view of the above changes and the following remarks.

Support for Claim Amendments and New Claims:

Claim 15 has been incorporated into claim 1. Claim 1 now recites that the pressurized pallet or bladder comprises a compressible porous material. Support for this amendment can be found in former claim 15 and on page 11, line 15 to page 14, line 2 of the present specification.

Claim 193 has been amended to correct an apparent antecedent basis problem.

Claim 202 is now an independent claim through the incorporation of the subject matter of original claim 1. Claim 202 is discussed further in the "Acknowledgement of Allowable Subject Matter" section, below.

Claim 206 has been amended to correct grammar.

Claim 212 was amended to correct grammar and in response to the Examiner's objection. Claim 212 is discussed further in the "Response to Claim Objection Under 37 CFR 1.75(c)" section, below.

Support for claim 217 can be found on page 6, line 20 to page 8, line 5 of the present specification.

Response to Claim Objection under 37 CFR 1.75(c)

Claim 212 was objected to for failing to further limit the subject matter of “a previous claim.” Specifically, the Examiner stated that claim 212 did not include all of the limitations of claim 15, from which claim 212 depends. The Applicants respectfully submit that the present amendments to claim 212 resolve this issue.

Claim 212 no longer depends from claim 15 and instead depends from claim 1 as claim 15 was incorporated into claim 1. Claim 212 has also been amended to recite limitations of the compressible porous material. Therefore, as presently amended, claim 212 satisfies the requirements of 37 CFR 1.75(c).

Acknowledgment of Allowable Subject Matter

The Examiner indicated that claims 202-211 and 213-215 were objected to as being dependent upon a rejected base claim, but that these claims would be allowable if rewritten. The Examiner deemed these claims to be allowable because the prior art does not disclose or suggest that the pressurized pallet or bladder is connected to the second port. To overcome this objection, claim 202 has been converted into an independent claim that incorporates the limitations of original claim 1. Therefore, claim 202 and claims 203-211, which depend from claim 202, are now in condition for allowance.

The Applicants respectfully submit that claims 213-215 are not properly grouped with claims 202-211. Claims 213-215 depend from claim 212, which in turn now depends from claim 1. These claims do not recite that the pallet or bladder is connected to a second port. For reasons to be discussed below, these claims are still believed to be in condition for allowance.

Response to 35 U.S.C. 103(a) Rejections

The Examiner has made the rejections listed below. Rejection numbering follows the numbering scheme presented in the office action:

4. Claims 1-7, 15-19, 29-41, 45-47, 53-56, 59-66, 70-75, 79-89, 93-119, 121-125, 130, 132-138, 140-144, 146, 148-152, 154-158, 160-164, 166, 168-172 and 174-185 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. 6,326,097 to Hockaday (“Hockaday”) in view of U.S. 6,460,985 to Olsen, *et al.* (“Olsen”) and U.S. 5,738,675 to Bryant, *et al.* (“Bryant”).
5. Claims 8-14, 20-28, 48-52, 57, 58, 76-78, 120, 131, 139, 147, 159 and 167 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Hockaday in view of Olsen and Bryant, further in view of U.S. 6,652,080 to Childs, *et al.* (“Childs”).
6. Claims 42, 67, 90, 137, 145, 153, 165, and 173 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Hockaday in view of Olsen and Bryant, further in view of U.S. 4,955,512 to Sharples (“Sharples”).
7. Claims 43, 44, 68, 69, 91 and 92 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Hockaday in view of Olsen and Bryant.

8. Claims 126-129 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Hockaday in view of Olsen and Bryant, further in view of U.S. 6,662,964 to Higuchi ("Higuchi").

Response to Obviousness Rejection #4:

The Examiner's rejection of independent claim 1 is based on three patents: Hockaday, Olsen, and Bryant. The Examiner begins his rejection by stating that Hockaday teaches a fuel tank (correlated to the container of claim 1), an outlet, and a fuel tube connected to the outlet. Hockaday, however, does not teach a wicking member or any other aspect of the presently claimed invention. To remedy this shortcoming, the Examiner states that Olsen, in combination with Hockaday, teaches a container for providing fluid wherein the container possesses a wicking structure, has a reservoir, a fluid outlet correlated to the "first port" of the present invention, and an air inlet.

The Examiner then states that disposed within Olsen's reservoir is a network of fibers that defines a capillary storage member (wicking structure) that is sufficient to retain fluid within the container for all orientations of the reservoir as well as undergoing shock and vibration during handling.

The combination of Olsen with Hockaday, however, is incomplete as neither Hockaday nor Olsen discloses a pressurized pallet or bladder. To remedy this shortcoming, the Examiner incorporates the disclosure of Bryant stating that the combination of the three references teaches the present invention. Bryant, however, simply does not teach the presently claimed pressurized pallet or bladder. What is more, one of ordinary skill in the art would have no motivation to combine Bryant with either Hockaday or Olsen. Bryant is

non-analogous to both Olsen and Hockaday and is equally non-analogous to the presently claimed invention.

Specifically, Bryant teaches an improved “keep vein open” system. The invention is characterized by a *chemically* pressurized bladder that exerts continuous pressure on a flexible bag of solution, wherein the solution is delivered to a patient intravenously. See Bryant, column 4, lines 28-38. The chemical reaction described in Bryant is a reaction between a solution of 50% citric acid and a given quantity of sodium bicarbonate (NaHCO_3). The citric acid solution is stored in an ampoule. When the ampoule is broken, the acidic solution comes into contact with the base and CO_2 is liberated. The gas then diffuses from an inner container, inflates a balloon, and exerts pressure on a bag of solution, causing fluid to be forced out of the bag. See column 8, lines 18-40.

Bryant is not concerned with the delivery of fuel at any orientation of a container nor does Bryant suggest that a chemically driven pressurization system would be appropriate for use in a fuel cell (Hockaday) or ink jet cartridge (Olsen). Bryant’s foremost concern is relieving a patient from the need to be resident at a hospital or clinic so that patency in a venipuncture site can be maintained. See column 1, lines 10-45. Bryant does not disclose or suggest delivery of an IV solution at any orientation of the IV bag. Likewise, Bryant does not have a wicking member and does not deliver or store ink. Bryant simply shares no commonalities with Hockaday, Olsen, or the present invention and can only be characterized as non-analogous art.

Even, however, if a person of ordinary skill in the art were to combine Bryant with Olsen and Hockaday, the resulting combination would not be the presently claimed invention. As presently amended, the pallet or bladder in claim 1 comprises a compressible porous material. CO₂, the result of Bryant's chemical reaction, is not and cannot be characterized as a "compressible, porous material." Rather, CO₂ is a gas and, although compressible, it is not porous. Reading the present specification, it is clear that the compressible porous material is a foam or other solid phase compressible material. See, for example, page 11, lines 14-20 of the present application.

At best, Bryant suggests that it would have been "obvious to try" pressurizing the system of the present invention. The fact that a given method or experiment may be obvious to try is not a sufficient rationale to find a claim obvious, so long as "the prior art [gives] either no indication of which parameters [are] critical or no direction as to which of many possible choices is likely to be successful." *In re O'Farrell*, 853 F.2d 894, 903, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988) (citations omitted). See also MPEP §2145(X)(B). The Applicants submit that Bryant does not offer the necessary specificity to make the presently amended claims obvious to one of ordinary skill in the art. Simply stated, although Bryant suggests pressurization, it does not envisage the presently claimed invention.

The Applicants further contend that Olsen, like Bryant, is not an appropriate prior art reference. For the reasons discussed above, Olsen cannot be combined with Bryant. Likewise, Olsen is non-analogous to both Hockaday and the present invention. Even, however, if Olsen is considered analogous, there is no teaching in Olsen or Hockaday that would suggest combining these references. Finally, even when Olsen and Hockaday are

combined, the resultant combination does not yield the portion of the presently claimed invention stated by the Examiner.

In its abstract, Olsen is self-described as “an ink container for providing ink to an inkjet printhead.” Neither Hockaday nor the present invention can be so described. Furthermore, it is well known that inkjet cartridges only function in one orientation – vertical with the print-head facing down. Hewlett-Packard Company, the assignee of the Olsen patent, has acknowledged as much in a document published on its corporate website. The document, attached to this response as Exhibit 1, expressly warns against storing inkjet cartridges on their sides or upside down and suggests that cartridges thusly stored will be nonfunctional. Aware of this limitation, one of ordinary skill in the art would not have looked to inkjet art because it does not teach the properties disclosed in the present application.

Even, however, if one were to accept, *arguendo*, that Olsen is analogous to both Hockaday and the present invention, there is no disclosure in either reference that would suggest a combination of the two references. Hockaday does not deliver ink and does not teach or suggest the desirability or need for a wicking member. Likewise, Hockaday does not teach one of ordinary skill in the art why or how it would be prudent to use any of Olsen’s teachings to arrive at the portion of the present invention described by the Examiner.

Similarly, Olsen completely lacks any teaching which might suggest a combination with Hockaday to one of ordinary skill in the art. Olsen is solely concerned with creating high capacity ink storage member and discloses materials that possess low ink contact

angles for easy ink absorption. Olsen further teaches the general layout of ink cartridges. Olsen, however, does not contemplate delivering the ink to anything other than a stationary printer and does not suggest application of his methodology to anything other than inkjet ink cartridge technology. One of ordinary skill in the art would simply have no motivation to combine Olsen with Hockaday.

Even, however, if one were to combine Olsen and Hockaday, the resulting product would not be the product described by the Examiner. Rather, the result of the combination would be a container able to deliver its payload in only one orientation. With respect to this argument, the Examiner is again requested to review Exhibit 1, attached hereto. Exhibit 1 demonstrates that the Examiner's reliance on Olsen's teaching that the "capillary is sufficient to retain fluid within the container for all orientations of the reservoir as well as during shock and vibration during handling," is misplaced. The text noted by the Examiner merely means that a packaged capillary will not leak. When this same passage is read in light of Exhibit 1 and column 3, lines 50-54 of Olsen (which disclose that the ink will only be delivered when the cartridge is fluidically coupled to the reservoir), it is clear that Olsen does not teach delivery of ink for all orientations of the container. Rather, Olsen teaches that inkjet cartridges only deliver their ink when fluidically coupled and seated vertically.

Therefore, in light of the above arguments, it is the Applicants' position that Bryant, Olsen, and Hockaday simply cannot be combined. Even when these references are combined, the resultant product is a gas pressurized reservoir (Bryant) that is incapable of functioning in all orientations (Olsen). This is not the presently claimed invention. As such,

claim 1 cannot be obvious. Therefore, claim 1 and all claims that depend therefrom are believed to be in condition for allowance.

With respect to all further rejections in rejection #4, the Applicants note that all claims depend either directly or indirectly from claim 1. In addition to being allowable because they depend from claim 1, all claims noted by the Examiner are believed to be independently allowable for the reasons that follow.

With respect to claims 2-7, 59, 71-73, 114-119, and 181-185, which deal ostensibly with wicking structure volume (except for claim 59 which deals with the “slideably insertable” nature of the wicking material), the Examiner states that Olsen recognizes that “the wicking structure can be modified depending on the desirable capacity of the container” (col. 4, lines 48-67). The Applicants respectfully disagree with the Examiner’s interpretation and application of Olsen’s referenced disclosure. Olsen’s only statement is that “H, W, and L” should be “greater than one inch to provide a high capacity ink container.” Nowhere does Olsen teach or suggest a wicking member that is less than 100%, or as presently claimed in claim 1, no more than 50% of the volume of the ink reservoir (34) in FIG 7.

In fact, based on its language and drawings, Olsen suggests that a wicking member of less than 100% of the volume of the ink reservoir would provide an undesirable “low capacity” ink delivery system as the wicking member stores all of the ink of the product. Once the capillary member is saturated with ink, no more ink can be added to the reservoir. Thus, the larger the wicking member, the more ink stored. Olsen, then, teaches *increasing*

the size of the wicking member for greater capacity ink storage. Olsen does not teach, disclose, or suggest a reduced size wicking member for fuel transportation as the Applicants claim. See Claims 1 and 114-119.

The Examiner further states that the Applicants have “optimized” Olsen’s wicking member volume. As the Applicants indicated, above, Olsen teaches enlarging the wicking member volume, not reducing it. As such, the Applicants have not optimized Olsen’s wicking member volume.

The Examiner next states, with respect to claim 15, that Olsen’s print head (24) can act as a one-way valve that only allows liquid to flow out of the container. Although now moot because claim 15 has been canceled, the Applicants respectfully point out that claim 15 did not disclose a “one-way valve” and was instead directed towards the character of the pressurized pallet or bladder.

With respect to claim 29, the Applicants have demonstrated that the presently claimed reservoir is not obvious over Hockaday in view of Olsen and Bryant. As such, claim 29 cannot be obvious, regardless of whether the claim is a product by process claim.

Addressing claims 30-39, 60-64, 74, 83-87, 94, 134, 142, 150, 162, 170, and 174, the Applicants respectfully submit that Olsen uses a bi-component fiber having a polypropylene core and a polyethylene terephthalate sheath. Olsen distinguishes the bi-component embodiment used in his application from polyurethane foam previously used in ink reservoirs due to poor ink absorption properties. See Column 6, Lines 44-68. Olsen therefore teaches away from the use of polyurethane foam because of these undesirable

properties. The fact that Olsen teaches away from the use of polyurethane cannot make the present invention obvious.

The Examiner also states that density, pore size, compression ratio, and fuel delivery efficiency are inherent properties of Olsen's capillary "given that both Olsen et al. and the present application utilize similar polyurethane foam material." As indicated above, though, Olsen teaches away from the use of polyurethane as a wicking member for ink reservoirs because of a "large ink contact angle." See Column 6, Lines 55-64. Also, according to *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990), to make a rejection based on inherency,

the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.

The Examiner makes no showing that the characteristics of density, pore size, compression ratio, and fuel delivery efficiency of polyurethane foams "necessarily flows from the teachings of" Olsen. Furthermore, on page 27, line 18 – page 28, line 18 of the present specification, it is evident that compression ratio and pore size are selectable properties, and thus cannot be inherent. Therefore, a person of ordinary skill in the art reading Olsen would not be informed as to the pore size of his wicking structures. Moreover, Olsen fails to teach wicking members that are compressed.

With respect to delivery efficiency, it is clear from the specification that greater efficiency is correlated with less wicking material. See page 46, lines 7-10 of the present

specification. As noted earlier, Olsen teaches larger wicking members and as such is in direct conflict with the teachings of the present disclosure. Therefore, the rejections with respect to 30-39, 60-64, 74, 83-87, 94, 134, 142, 150, 162, 170, and 174 are inappropriate and should be withdrawn.

Claims 45, 70, and 93 disclose a two-way valve and have been rejected because the Examiner believes that the air outlet in Olsen is a two-way valve. Olsen, however, never discloses an "air outlet." Olsen discloses an air inlet (38) that, according to Fig. 8, appears to be no more than an opening in the casing. A valve, by definition, has a mobile member which can be positioned to permit (or stop) flow in a particular direction. It is improper for the Examiner to generalize that a naked "opening," without more, is a valve for purposes of claim rejection. As such, the Applicants respectfully request that the rejections of claims 45, 70, and 93 be withdrawn.

Claims 46, 47, 112, 113, 132, 133, 140, 141, 148, 149, 160, 161, 168, and 169 claim that the wicking material has a free rise wick height. The Examiner contends that free rise wick height is an inherent property of wicking members because the Applicants and Olsen "utilize similar wicking structure[s] (capillary member)." As with the Examiner's previous inherency argument, the Examiner has not provided a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from" Olsen.

In addition, as the Applicants have previously described, the wicking members of the Applicant and that of Olsen are not similar either in function or structure. Because the

Examiner has failed to support that the “free rise wick height” necessarily flows from Olsen, the Applicants respectfully request that Examiner withdraw the rejection with respect to claims 46, 47, 112, 113, 132, 133, 140, 141, 148, 149, 160, 161, 168, and 169.

Claims 138, 146, 154-158, 166, and 181-185 recite the shapes of the wicking members. The Examiner rejected the claims because the disclosure provides no evidence of criticality and patentable distinction with regard to the shape of the wicking structures. The Examiner also concludes that it is “well known in the art” that the location of the wicking structure can be varied. The Examiner, however, does not support this conclusion. In addition, no portion of Olsen or any other reference cited by the Examiner teaches that positioning can be varied. Likewise, the Applicants do not view the positioning of the wicking material as an optimization. As discussed previously, it is not possible to optimize *any* part of the wicking member of Olsen onto the reservoir of Hockaday to obtain the Applicants’ reservoir.

Therefore, and as indicated earlier, the references cited by the Examiner teach away from the combination of Olsen with Hockaday and Bryant. Olsen and Bryant in combination with Hockaday do not disclose or teach the structure, capabilities, or function of the presently claimed invention and one skilled in the art would have found no teaching to suggest combining the references. Failure, rather than success, would have been the expected result of combination.

In light of the above discussion and arguments, the Applicants respectfully request that the Examiner withdraw the §103(a) rejections of claims 1-7, 15-19, 29-41, 45-47, 53-

56, 59-66, 70-75, 79-89, 93-119, 121-125, 130, 132-138, 140-144, 146, 148-152, 154-158, 160-164, 166, 168-172 and 174-185 and allow all rejected claims.

Response to Rejection #5

Claims 8-14, 20-28, 48-52, 57, 58, 76-78, 120, 131, 139, 147, 159 and 167 recite a retainer element and depend directly or indirectly from Claim 1. As discussed in "Response to Rejection #4," it is the Applicants' position that claim 1 is in condition for allowance. As claim 1 is believed to be allowable, it is the Applicants' further position that the dependent claims noted above are believed to be allowable. In addition to being allowable because they depend from claim 1, these claims should be deemed to be patentable because Examiner has mischaracterized the filter element present in Childs.

Childs, like Olsen, is directed to inkjet cartridges. The Applicants submit, as they did with Olsen, that inkjet printer cartridges and fuel reservoirs for liquid fuel cells are non-analogous art. Likewise, there is no motivation to combine Childs with Hockaday or Bryant for the same reasons presented above with respect to Olsen. As such, one of ordinary skill in the art would not have looked to Childs to solve the problem solved by the presently claimed invention.

Even, however, if Childs is combined with Hockaday, Olsen, and Bryant, the filter disclosed in Childs is not a "retainer" as that term is used in the present invention. The Childs' filter is more aptly described as a separator or spacer. See Childs, column 3, lines 11-16. As described in the abstract of the present application, however, the retainer of the

present invention must hold the wicking structure in a desired orientation within the container. One skilled in the art would not make the association that when he needs to retain a wicking mechanism he should use a filter. A filter has the inherent property of separating undesired particulates from a flowable liquid. Thus, the disclosure of Childs is not sufficient to provide any suggestion to combine Childs' filter with the invention of Hockaday, Olsen, and Bryant to obtain the presently claimed retainer.

Further, if Childs' filter was used in combination with Hockaday, Olsen, and Bryant, viewed in light of Applicants' claim language requiring the invention to work from any orientation, Childs filter would not serve the purpose of retaining the wicking means disclosed and claimed by Applicants. Simply, Childs' filter is not secured and rotating the reservoir out of orientation using Childs' filter would result in undesired movement of the wicking structure.

Additionally, use of Childs' filter would require the Applicants to make substantial modifications to Childs' gravity-driven "retainer" in order to hold Applicants' wicking means in place when the reservoir changed orientation. See Column 7, Lines 53-54. The need to extensively modify the component of a reference offered to show obviousness, defeats a 35 U.S.C. §103(a) rejection.

As to the Examiner's contention that a filter can be considered a clamp, as in claim 28, the Applicants respectfully disagree. A gravity assisted spacer cannot be considered a clamp under any circumstances. A clamp is a mechanism that typically consists of

opposable or adjustable parts capable of bracing objects or holding them together. That is not the purpose or function of the filter disclosed by Childs.

Response to Rejection #6

Claims 42, 67, 90, 137, 145, 153, 165, and 173 disclose a one-way valve and depend directly or indirectly from claim 1. As discussed in "Response to Rejection #4," it is the Applicants' position that claim 1 is in condition for allowance. As claim 1 is believed to be allowable, it is the Applicants' further position that the dependent claims noted above are believed to be allowable as well. In addition to being allowable because they depend from claim 1, these claims should be deemed to be patentable because Examiner has misapplied Sharples.

As with Olsen, the Applicants maintain that Sharples is non-analogous art and that one of ordinary skill in the art would not have looked to the liquid container and dispenser of Sharples, a self described "bag in a tube" (col. 1, line 9). Even had one of ordinary skill in the art looked to Sharples, Sharples does not suggest why or how it could be combined with Hockaday, Olsen, or Bryant. And, even upon combination, the resulting product is not the presently claimed reservoir.

The Examiner asserts that the one-way valve of Sharples can be combined with the reservoir of Hockaday, Olsen, and Bryant to make the Applicants' claims obvious. Although the one-way valve in Sharples and the present invention both serve to normalize pressure, the valves operate in disparate environments. The Sharples one-way valve only

functions at an air/air junction, while the Applicants' one-way valve must function at both air/air and air/liquid junctions, depending upon the orientation and quantity of liquid in the reservoir. See, for example page 5, lines 13-15 of the present specification

In order for Sharples' valve to function as both an air/air and air/liquid valve, it would need substantial modification so that fuel from the fuel cell would not leak when pressure normalization occurred. The valve of Sharples is simply not designed for or concerned with preventing leakage of fluid from the area of low pressure. As such, combination with Hockaday, Olsen, and Bryant would "change the principle operation" of Sharples and invalidate the §103(a) rejection. See MPEP 2143.02.

Response to Rejection #7

Claims 43, 44, 68, 69, 91 and 92 disclose a sealable, detachable cap and depend directly or indirectly from claim 1. As discussed in "Response to Rejection #4," it is the Applicants' position that claim 1 is in condition for allowance. As claim 1 is believed to be allowable, it is the Applicants' further position that the dependent claims noted above are believed to be allowable as well. In addition to being allowable because they depend from claim 1, these claims should be deemed to be patentable because Examiner has taken official notice of facts, which are not capable of instant and unquestionable recognition as true.

The Examiner states that it would have been obvious to one of ordinary skill in the art to add a rubber stopper as a cap to the air inlet of Hockaday because one of ordinary skill in the art would recognize that a needle can penetrate a rubber stopper without permanently

puncturing the rubber. The Examiner, however, cites no prior art showing that rubber stoppers are known or used in the art of fuel cell reservoirs. Furthermore, it is generally well known that natural rubber deteriorates due to age and reaction with certain chemicals. In addition, rubber can swell or contract upon coming into contact with certain solvents such that it may not be suitable for use in fuel cell fuel reservoirs. According to the MPEP, 2144.03, A, Rev. 3, August 2005, pg. 2100-142,

[i]t would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. In re Ahlert, 424 F.2d at 1091, 165 USPQ at 420-21. See also In re Grose, 592 F.2d 1161, 1167-68, 201 USPQ 57, 63 (CCPA 1979)

As it is neither well known nor capable of instant and unquestionable demonstration that rubber stoppers are used in fuel cell fuel reservoirs, or are compatible with the solvents contemplated by the present application, the Applicants respectfully request that examiner withdraw his obviousness rejection of the rejected claims.

Response to Rejection #8

Claims 126-129 disclose that the reservoir has collapsable walls. These claims depend either directly or indirectly from Claim 1. As discussed in "Response to Rejection

#4,” it is the Applicants’ position that claim 1 is in condition for allowance. As claim 1 is believed to be allowable, it is the Applicants’ further position that the dependent claims noted above are believed to be allowable.

Claims 126-129 are further believed to be in condition for allowance because, although Higuchi teaches a synthetic resin container that will collapse when subject to vertical and/or twisting stress (see Column 1, Lines 41-49), this is not the structure claimed by the Applicants. Higuchi teaches a relatively hard and thin side wall while the Applicants claim a structure that is made of “flexible material” (Claim 126-129). As the teachings of Higuchi do not suggest or disclose the Applicants’ claimed structure, a combination of Higuchi with Hockaday, Olsen, and Bryant cannot render the Applicants’ claimed invention obvious. The Applicants respectfully request that the Examiner withdraw his rejection for claims 126-129 in light of the above.

CONCLUSION

All claims remaining the application are believed to be in condition for allowance.
An early action to that end is earnestly solicited.

Respectfully submitted,

Date: April 23, 2007

BY: 

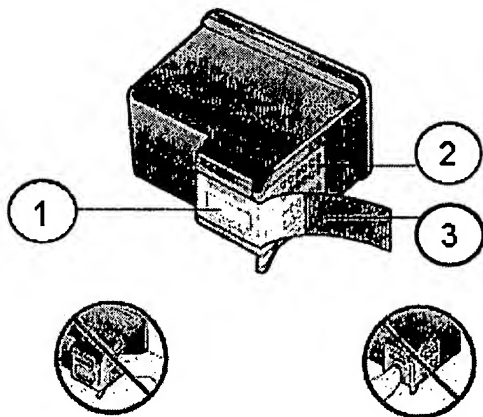
GEORGE A. FRANK
Registration No. 27,636
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
Tel: 215-988-3309
Fax: 215-988-2757
Attorney For Applicants



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HP Inkjet Supplies - How to Handle Inkjet Print Cartridges

Figure 1: Cartridge parts



1 - Nozzles (under tape)

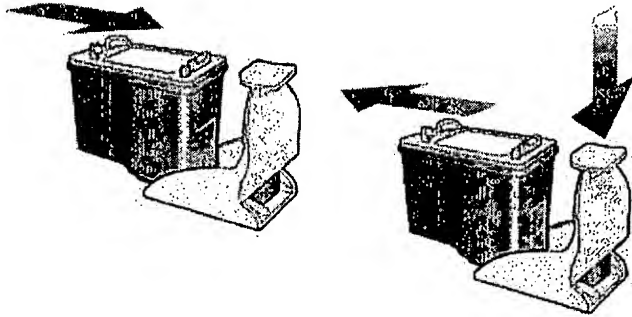
2 - Contacts

3 - Tape (must be removed)

For best results, use only HP inkjet print cartridges and follow the guidelines below:

- Keep print cartridges sealed in the original package until they are needed
- Store print cartridges at room temperature (60 - 78 degrees F or 15.6 to 26.6 degrees C)
- Store print cartridges in an upright position - not on their sides or upside down.
- Do not remove the protective tape from a new print cartridge until just before you install it. Once you remove the tape, do not reapply it.
- After you have removed the protective tape, avoid touching the contacts and nozzles.
- Print at least once a month to keep the print cartridges in good working order.
- Always turn the printer off by pressing the button on the printer control panel, rather than by unplugging the printer. Turning the printer off properly allows it to protect the cartridges.
- If you are removing a cartridge from the printer temporarily (for instance, removing the black cartridge in order to install the photo cartridge), put it in a cartridge protector.

Figure 2: Use the cartridge protector



- If you do not have a cartridge protector and need to remove a cartridge temporarily, put it in an airtight plastic tub. Make sure nothing touches the nozzles. Do not use a plastic bag. If you intend to store print cartridges in a tub for a long period of time, place color cartridges with the nozzles down, and black cartridges with the nozzles up.
- Do not transport print cartridges in the printer at high altitudes (such as on an airplane).

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(e.g. Deskjet 990cse, Pavilion 7955)

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